

STATE OF KANSAS



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cc: WSTM
cc: CIGL 81418
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cc: E-58

DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

RECEIVED

FEB 11 1987

February 10, 1988

REGIONAL ADMINISTRATOR

Mr. Morris Kay
Region VII Administrator
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101

Morrie
Dear Mr. Kay:

In a letter dated February 2, 1988 to Dr. Ronald Hammerschmidt, Mr. Robert Morby, Chief, Superfund Branch, requested the department to provide confirmation of concurrences in the preferred alternative for the Galena subsite, Cherokee County. In addition, it was requested that the department provide certification relative to the state water quality standards.

The preferred alternative as outlined in Mr. Morby's February 2 letter would allow for the reduction of further contamination to surface and ground water supplies in the subsite. However, my staff advises me the remedial plan will not meet water quality standards as promulgated in K.A.R. 28-16-28(b) through K.A.R. 28-16-28(f) and as approved by the regional office. The specific elements of the preferred plan which we endorsed included the following actions:

1. Surface mining waste will be removed and milled to remove metal sulfides. The metal sulfides will be sold to help defray a portion of the project costs. The tailings remaining after milling operations will be disposed of by filling mine shafts and surface depressions.
2. Surface drainage will be diverted around specific areas to prevent stream capture by mine shafts and subsidences.
3. Recontouring of approximately 900 acres will be done to reduce infiltration and to help convey runoff from the area. Portions of these areas will be revegetated to prevent erosion.



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SUPERFUND RECORDS

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4. Deep aquifer well remediation will be taken to protect the Roubidoux aquifer from contaminant migration from the shallow aquifer by plugging abandoned wells.

The state recognizes the necessity to assure payment of remedial action including future operation and maintenance as required under Section 104(c) of the Superfund Act. In providing an assurance, we expect the total capital costs not to exceed \$6 million without prior notice to and approval of the state. In addition, we expect EPA to aggressively identify and obtain cost recovery of federal and state expenditures from all responsible parties.

Governor Hayden has recognized the need to meet the state obligation for the remedial action plan. In his FY 1989 budget request, the Governor included \$500,000 to meet the ten percent match required for the federal government for cleanup of the Galena subsite of the Cherokee County site. At the time of budget preparation, a \$5 million cleanup plan was being considered. We do now endorse the \$6 million program. As a former Kansas legislator, you know the legislature must approve and appropriate the funds before they can be obligated. Likewise, one session of the legislature cannot bind a subsequent session of the legislature. I am, however, optimistic that the legislature will appropriate the money for the remedial action project.

The second point in Mr. Morby's letter dealt with state water quality standards. We recognize the remedial project -- in all probability -- will not meet the objectives of the state water quality standards. As we noted in our letter of May 12, 1987 to Alice Fuerst of your staff, a variance from the standards will be required. The department is not authorized under state regulations to unilaterally grant a variance. The variance procedure is contained in K.A.R. 28-16-28(b) through K.A.R. 28-16-28(f) and outlined in our May 12, 1987 letter. As such, we would expect the EPA to comply with the regulations in requesting a variance for this project.

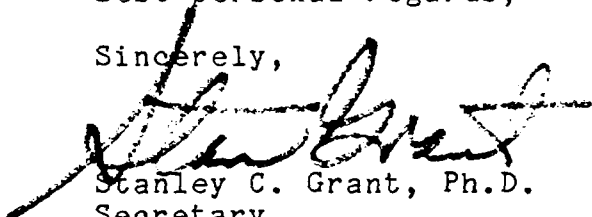
Within recent months, Governor Hayden has supported and made personal appearance and inspection of the Galena subsite and other sites in Cherokee County. We urge your staff to move forward expeditiously in initiating this most worthwhile project in Southeast Kansas. However, we must not continually change the program plan or we may lose it all.

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A further concern rests with actions that may be necessary by the State of Missouri and EPA at the Missouri-Kansas border which will impact on the Galena cleanup program. I would like to discuss these concerns with you at your earliest convenience.

Best personal regards,

Sincerely,



Stanley C. Grant, Ph.D.
Secretary

cah

C - Governor Mike Hayden
John Strickler
James Power
Ronald Hammerschmidt
Karl Mueldener

